

Message Text

CONFIDENTIAL

PAGE 01 KUALA 00491 271032Z

21

ACTION SCS-03

INFO OCT-01 EUR-12 EA-07 ISO-00 DHA-02 L-03 H-02 SCA-01

JUSE-00 SNM-02 DEAE-00 PPT-01 /034 W

----- 045654

P R 270711Z JAN 76

FM AMEMBASSY KUALA LUMPUR

TO SECSTATE WASHDC PRIORITY 2331

INFO AMEMBASSY THE HAGUE

AMCONSUL AMSTERDAM

AMEMBASSY BANGKOK

C O N F I D E N T I A L KUALA LUMPUR 0491

E.O. 11652: GDS

TAGS: SNAR CASC MY (LONG, PATRICK), (AVILA, DONNIE LEE)

SUBJ: DETENTION OF AMERICAN CITIZENS LONG AND AVILA

REF: KUALA LUMPUR 0156

1. ON JANUARY 19 AND AGAIN ON JANUARY 26 I DISCUSSED THE DETENTION OF LONG AND AVILA (DESCRIBED REFTEL) WITH UNDERSECRETARY KHOR ENG HEE AT MINISTRY OF FOREIGN AFFAIRS BY TELEPHONE. IN BOTH CONVERSATIONS KHOR ASKED ME TO DELAY FORMALLY COMING IN UNTIL HE HAD FULL GRIP ON CASE. I SAW HIM THIS MORNING (JAN 27) AND REVIEWED FACTS WITH HIM: LONG AND AVILA, ARRESTED DEC 4, STILL BEING HELD WITHOUT CHARGES. I UNDERSTOOD MINISTER OF HOME AFFAIRS HAD JUST SIGNED ORDER UNDER 1969 EMERGENCY ORDINANCE COMMITTING THEM TO "PREVENTIVE DETENTION" FOR TWO YEARS. MEN HAD NOT HAD BENEFIT OF COUNSEL, HAD NOT BEEN FORMALLY CHARGED, HAD NOT HAD BENEFIT OF ANY NORMALLY ACCEPTED PROCEDURES OF JUDICIAL PROCESS. I UNDERSTOOD THAT POLICE HAD GOOD REASON TO BELIEVE BOTH MEN WERE CRIMINALS AND PARTICULARLY IN THE CASE OF LONG, SOMEONE WHO HAD BEEN INVOLVED IN CRIMINAL ACTIVITIES FOR SEVERAL YEARS. DESPITE THIS, FACT REMAINED THAT TWO AMERICAN CITIZENS BEING HELD WITHOUT CHARGES AND NOW BEING SUBJECTED TO TWO YEARS DETENTION.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 KUALA 00491 271032Z

THEREFORE UNDER INSTRUCTIONS FROM MY GOVERNMENT I

WAS EXPRESSING CONCERN AND WISHED TO KNOW WHETHER THE GOM WAS PREPARED TO BRING CHARGES AND SUBMIT THESE MEN TO NORMAL AND USUALLY ACCEPTED JUDICIAL PROCESSES.

2. KHOR REPLIED THAT HE WAS INFORMED THAT LONG HAD CONFESSED TO HAVING SMUGGLED HEROIN FROM MALAYSIA TO AMSTERDAM ON EIGHT OCCASIONS. WHEN ARRESTED NEITHER HE NOR AVILA HAD ANY HEROIN IN THEIR POSSESSION BUT HAD A FALSE-BOTTOMED SUITCASE. MALAYSIAN GOVT HAD NOT BEEN ABLE TO FIND SPECIFIC CRIMINAL VIOLATIONS UNDER WHICH THEY COULD BE CHARGED AND HAD THEREFORE RESORTED TO THE BROAD POWERS OF THE EMERGENCY ORDINANCE. GOM'S "LEGAL AUTHORITIES" WERE RELUCTANT TO RELEASE THE TWO MEN BUT WOULD GLADLY TURN THEM OVER TO USG IF USG PREPARED TO INDICT THEM.

3. I TOLD KHOR THAT I DOUBTED THAT THERE WAS CASE THAT COULD BE MADE UNDER US LAW AGAINST LONG AND AVILA. MALAYSIAN CID HAD FURNISHED DEA WITH FULL INFORMATION AND CERTAINLY DEA WAS CONTINUING TO INVESTIGATE BOTH IN THE US AND ABROAD WHETHER ANY VIOLATION OF US LAW INVOLVED. IT ALSO SEEMED POSSIBLE TO ME THAT MEN WERE INDICTABLE IN HOLLAND. MEANTIME I WONDERED IF WAY OUT OF PROBLEM MIGHT NOT BE RELEASE OF MEN AND THEIR PROVISION WITH RESTRICTED PASSPORTS GOOD ONLY FOR RETURN TO THE US. I CERTAINLY COULD NOT SAY THAT THEY WOULD BE ARRESTED UPON THEIR RETURN AND IN FACT IT SEEMED UNLIKELY. ON OTHER HAND SHOULD THEY RETURN TO THE US THEY WOULD BE SUBJECT TO CONTINUING INVESTIGATION AND IF AT ALL POSSIBLE CHARGES WOULD BE MADE.

4. KHOR UNDERTOOK TO INVESTIGATE THIS SOLUTION WITHIN HIS OWN GOVERNMENT WHILE I UNDERTOOK TO FIND OUT HOW FAR I COULD GO IN RESTRICTING PASSPORTS AND IN EFFECT FORCE THEIR RETURN TO THE US.

5. ACTION REQUESTED WHAT ARE OUR LIMITS? CAN WE ISSUE RESTRICTED (SAY 30-DAY) PASSPORTS GOOD ONLY
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 KUALA 00491 271032Z

FOR TRAVEL TO THE US?
DILLON

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DETENTION, DRUG TRAFFIC, ARRESTS
Control Number: n/a
Copy: SINGLE
Draft Date: 27 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976KUALA00491
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760030-0732
From: KUALA LUMPUR
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760119/aaaaapvm.tel
Line Count: 109
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SCS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 KUALA LUMPUR 156
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 03 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 MAY 2004 by BoyleJA>; APPROVED <23 AUG 2004 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DETENTION OF AMERICAN CITIZENS LONG AND AVILA
TAGS: SNAR, CASC, MY, (LONG, PATRICK), (AVILA, DONNIE LEE)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006